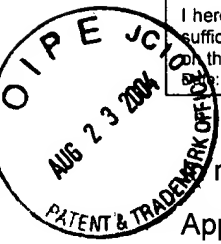


TFW  
3673



CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, the below date:  
Date: August 19, 2004 Name: Andrew D. Stover, Reg. No. 38,629 Signature:

BRINKS  
HOFER  
GILSON  
& LIONE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re Appln. of: Oberth et al.  
Appln. No.: 09/512,894  
Filed: February 24, 2000  
For: HIGHWAY CRASH CUSHION AND COMPONENTS THEREOF  
Attorney Docket No: 33-759

Examiner: Hartmann, Gary S.  
Art Unit: 3673

Mail Stop Amendment  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

TRANSMITTAL

Sir:

Attached is/are:

- ☒ Response to Notice of Non-Compliant Amendment
- ☒ Return Receipt Postcard

Fee calculation:

- ☒ No additional fee is required.
- ☐ Small Entity.
- ☐ An extension fee in an amount of \$\_\_\_\_\_ for a \_\_\_\_\_-month extension of time under 37 C.F.R. § 1.136(a).
- ☐ A petition or processing fee in an amount of \$\_\_\_\_\_ under 37 C.F.R. § 1.17(\_\_\_\_\_).
- ☐ An additional filing fee has been calculated as shown below:

|   |                                  |       |                                 |               | Small Entity |           |    | Not a Small Entity |           |
|---|----------------------------------|-------|---------------------------------|---------------|--------------|-----------|----|--------------------|-----------|
|   | Claims Remaining After Amendment |       | Highest No. Previously Paid For | Present Extra | Rate         | Add'l Fee | or | Rate               | Add'l Fee |
| Total                                     |                                  | Minus |                                 |               | x \$9=       |           |    | x \$18=            |           |
| Indep.                                    |                                  | Minus |                                 |               | x 43=        |           |    | x \$86=            |           |
| First Presentation of Multiple Dep. Claim |                                  |       |                                 |               | +\$145=      |           |    | +\$290=            |           |
|   |                                  |       |                                 |               | Total        | \$        |    | Total              | \$        |

Fee payment:

- ☐ A check in the amount of \$\_\_\_\_\_ is enclosed.
- ☐ Please charge Deposit Account No. 23-1925 in the amount of \$\_\_\_\_\_. A copy of this Transmittal is enclosed for this purpose.
- ☐ Payment by credit card in the amount of \$\_\_\_\_\_ (Form PTO-2038 is attached).
- ☒ The Director is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this paper (including any extension fee required to ensure that this paper is timely filed), or to credit any overpayment, to Deposit Account No. 23-1925.

Date 8/19/04

Respectfully submitted,  
  
Andrew D. Stover (Reg. No. 38,629)



PATENT  
Case No. 33-759

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: MS AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on:

August 19, 2004

Date of Mailing

ANDREW D. STOVER, Reg. No. 38,629

Name of applicant, assignee or  
Registered Representative

Signature

August 19, 2004

Date of Signature

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Oberth, et al.

Serial No: 09/512,894

Filed: February 24, 2000

For: HIGHWAY CRASH CUSHION AND  
COMPONENTS THEREOF

)  
)  
) Examiner: Hartmann, Gary S.  
)  
)  
) Group Art No: 3673  
)  
)  
)  
)

**RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT**

Commissioner For Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Applicants received a Notice of Non-Compliant Amendment stating that the Amendment filed July 2, 2004 in the above-referenced application did not comply with 37 CFR 1.121. Applicants do not disagree. However, this application is a reissue application. Accordingly, amendments are governed by 37 CFR 1.173(b)(2), not 37 CFR 1.121.

**S/N 09/512,894**  
**Attorney Ref. No.: 33-759**

37 CFR 1.173(b)(2) states that each changed patent claim and each added patent claim must include markings pursuant to section d. Section d, in turn, requires that matter to be added by reissue must be underlined. The underlined claims presented in the July 2, 2004 amendment therefore are a clean version of the amended claims as is appropriate for a reissue application.

Applicants note that this is the *second* time that they have received a Notice of Non-Compliant Amendment for this reissue application. The previous Notice was overcome by the same arguments made herein. If any further questions remain about the Amendment, Applicants respectfully request that the Examiner contact the undersigned attorney at (312) 321-4713.

Respectfully Submitted,

Dated: August 19, 2004

By:



Andrew D. Stover

Reg. No. 38,629

Attorney for Applicants

BRINKS HOFER GILSON & LIONE LTD.  
Post Office Box 10395  
Chicago, Illinois 60610  
(312) 321-4200